

REMARKS

Claims 1-68 are pending in this application. Claims 1, 8, 35, and 38 are independent claims. Claims 1 and 8 are amended. No claims are canceled. Reconsideration and allowance of the present application are respectfully requested.

Rejections under 35 U.S.C. §102 - *Soleimani*

Claims 1-14, 23, 25-46, 48, and 51-68 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,804,943 (“Soleimani”). This rejection is respectfully traversed.

Soleimani discloses an alarm system for a briefcase with a radio receiver 18 therein, as illustrated in FIG. 1. The receiver may be triggered by a remote transmitter 30 in order to activate an alarm, such as a siren 22, which is also integrated in the briefcase and coupled to the receiver, as further illustrated in FIG. 1. The receiver and power supply units 28 are mounted in the bottom of the briefcase and may be secured thereto by any conventional fastening means (see column 2, lines 21-26). In one mode of operation, if the briefcase is removed from an authorized person (e.g. stolen) the authorized person may use the remote transmitter to activate the alarm. In another mode of operation, if the briefcase is moved to outside a predetermined distance from the remote transmitter (and presumably the authorized person) then the alarm is automatically activated. Thus, the alarm system taught in Soleimani is secured to the briefcase by conventional fastening means and activated using the remote transmitter either directly by an activation signal or indirectly by removal from a predefined zone.

In contrast, independent claim 1 has been amended to recite a method of protecting a commercial product against theft including shifting a security unit from an on-state mode to a “connect mode for connecting the commercial product to the security unit, the shifting occurring

when the receiver is impinged upon by a transmitter.” Independent claim 8 has been amended to recite a similar feature. Soleimani fails to teach or suggest a connect mode equivalent to that recited in independent claims 1 and 8. As discussed above, the alarm system of Soleimani is secured to the briefcase using conventional fastening means. There is no mention in Soleimani of a connect mode, as the alarm system is simply off when initially connected to the briefcase. The alarm system taught in Soleimani is either off, waiting for a radio signal from a transmitter, or in an active alarm state, none of which is equivalent to a connect mode as recited in claims 1 and 8.

Furthermore, when the receiver in the alarm system of Soleimani is impinged upon by a transmitter, the alarm system is shifted to an active alarm state (see column 2, lines 35-37, for example), not a connect mode as recited in independent claim 1 and 8. Accordingly, independent claims 1 and 8 are allowable over Soleimani and dependent claims 2-7, 9-14, 23, and 25-34 are likewise allowable over Soleimani at least for their dependence from an allowable base claim.

Also in contrast to Soleimani, independent claim 35 recites a device for protecting a commercial product against theft including a receiver housed in a security unit “wherein the receiver is deactivated in a connect mode of the security unit.” Independent claim 38 recites a similar feature. As discussed above, Soleimani fails to teach or suggest a connect mode. In addition, the radio receiver secured inside the briefcase according to Soleimani must be permanently activated in order to receive any signals from a transmitter. Otherwise, Soleimani’s briefcase will not be ready to trigger an alarm in case of theft. Thus, a deactivation of the receiver of Soleimani would prevent the device from working properly.

With regard to the Examiner’s citation of column 2, lines 44-52 of Soleimani as teaching the above feature of independent claims 35 and 38, here, Soleimani specifically teaches a mode

in which the transmitter is maintained operative at all times for a distance of a fixed amount, “the circuitry operating to initiate operation of the siren 22 when the briefcase is removed beyond this fixed distance.” Applicants submit that if the radio receiver according to Soleimani were deactivated in this mode as pointed to by the Examiner, the alarm system would be inoperable, i.e. unable to receive any signals from the transmitter and thereby unable to produce an alarm according to the invention of Soleimani. Thus, independent claims 35 and 38 are allowable over Soleimani, and dependent claims 36-37, 39-46, 48, and 51-68 are likewise allowable over Soleimani at least for their dependence from an allowable base claim.

Therefore, Applicants respectfully request that this rejection of claims 1-14, 23, 25-46, 48, and 51-68 under 35 U.S.C. §102 be withdrawn.

Rejections Under 35 U.S.C. § 103 – *Soleimani in view of D’Angelo*

Claims 15-22, 24, 47, and 49-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Soleimani in view of U.S. Patent No. 6,133,830 (“D’Angelo”). This rejection is respectfully traversed.

As discussed above, independent claims 1, 8, 35, and 38 are allowable over Soleimani. In addition, D’Angelo fails to cure the deficiencies of Soleimani. Thus, independent claims 1, 8, 35, and 38 are allowable over Soleimani in view of D’Angelo, and the remaining dependent claims 15-22, 24, 47, and 49-50 are likewise allowable of Soleimani in view of D’Angelo at least for the dependence from an allowable base claim.

Therefore, Applicants respectfully request that this rejection of claims 15-22, 24, 47, and 49-50 under 35 U.S.C. §103 be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



Donald J. Daley, Reg. No. 34,313

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

DJD/SAD:ald